

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DIAGEO NORTH AMERICA,
INC.,

Plaintiff,

v.

MEXOR, INC. *and* EJMV
INVESTMENTS, LLC,

Defendants.

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Civil Action No. H-13-856

ORDER

Pending before the Court are Defendants' Motion for Summary Judgment as to Plaintiff's Dilution Counts on the Ground that Plaintiff's Marks are not Famous (Document No. 76), Defendants' Motion for Summary Judgment on the Grounds of Laches and Limitations (Document No. 77), Defendants' Motion for Summary Judgment on Trademark Infringement and Unfair Competition Claims (Document No. 78), and Diageo North America, Inc.'s Motion for Summary Judgment as to its Trademark Infringement, Unfair Competition, and False Designation of Origin Claims (Document No. 88). Having considered motions, submissions, and applicable law, the Court determines the motions should be denied.

Accordingly, the Court hereby

ORDERS that Defendants' Motion for Summary Judgment as to Plaintiff's Dilution Counts on the Ground that Plaintiff's Marks are not Famous (Document No. 76) is **DENIED**. The Court further

ORDERS Defendants' Motion for Summary Judgment on the Grounds of Laches and Limitations (Document No. 77) is **DENIED**. The Court further

ORDERS Defendants' Motion for Summary Judgment on Trademark Infringement and Unfair Competition Claims (Document No. 78) is **DENIED**. The Court further

ORDERS that Diageo North America, Inc.'s Motion for Summary Judgment as to its Trademark Infringement, Unfair Competition, and False Designation of Origin Claims (Document No. 88) is **DENIED**.

SIGNED at Houston, Texas, on this 27 day of October, 2014.



DAVID HITTNER
United States District Judge